

Questions From Legal Secretary CM/ECF Presentation

July 20, 2004

1. Will the District Court be using Verilaw as a case management system?

No. All Courts will be required to use CM/ECF, the new case management system developed by the Administrative Office of the United States Courts. CM/ECF is a comprehensive case management system that will allow courts to maintain electronic case files and offer electronic filing over the Internet. Courts can make all case information immediately available electronically through the Internet. Eventually, CM/ECF will replace the current case management systems used by the federal courts across the country.

2. Do you get confirmation that service is received?

When a document is filed in CM/ECF, a Notice of Electronic Filing (NEF) is automatically generated and e-mailed to the registered parties in the case, as well as to anyone a registered user has requested to receive notice in the case. The NEF includes the text of the docket entry, the unique electronic document stamp, a list of the case participants receiving e-mail notification of the filing, and a hyperlink to the document(s) filed. For civil and bankruptcy cases all recipients will receive one free look at the document. In criminal cases the Judicial Conference Privacy Policy presently provides that only attorneys of record shall have one free look at the document, other recipients will receive the NEF but not have access to the hyperlinked document.

If a court has a local rule authorizing service through CM/ECF, the automatic sending of the NEF with the hyperlink will constitute service on all parties registered for electronic-filing with the court. The filer (including the court filer) is responsible for serving the parties who are not registered for electronic-filing in a manner authorized by the federal rules of procedure.

3. How do attorneys get a login and password?

In order to file electronically, an attorney must be admitted to practice before the Court and must have previously registered to file electronically. Attorney Admission and Electronic Filing Registration forms will be available in the Clerk's Office at any Court location or over the Internet from the court's home page. A login and password will be issued upon approval of the registration. The Clerk's Office will provide sufficient notice during the implementation process advising the Bar of the registration process.

4. What do you do if the system has a glitch in it and you cannot file by the deadline?

Filing documents electronically does not in any way alter any filing deadlines. An electronically submitted document is deemed filed upon completion of the transmission. All electronic transmissions of documents must be completed prior to midnight, Central Time, in order to be considered timely filed that day. Where a specific time of day deadline is set by the Court order or stipulation, the electronic filing must be completed by that time.

5. Does the login/password used for bankruptcy transfer to USDC?

A separate login and password must be requested from the District Court in order to file documents electronically.

6. Is electronic service automatic or voluntary?

The CM/ECF system generates a Notice of Electronic Filing -- an email message containing a hyperlink to the document filed -- whenever a document is filed with the court. It is up to individual courts whether this Notice can be used to serve parties. If a court has a local rule authorizing service through CM/ECF, the automatic sending of the NEF with the hyperlink will constitute service on all parties registered for electronic-filing with the court. The filer (including the court filer) is responsible for serving the parties who are not registered for electronic-filing in a manner authorized by the federal rules of procedure.

7. What happens if you file something in error?

Most errors will be immediately advertised through the real time electronic notices and access to the docket report; making deletions of entries to the docket or associated pdf documents very rare, if ever. CM/ECF allows court personnel to edit errors made in the docket entry. Besides making the appropriate corrections, the court may need to ask participants to submit amended pleadings. Instances that affect calendar entries and noticing will need to be re-docketed. Many courts are choosing not to edit the docket entry and use a "corrective entry" event, which officially records substantive errors on the docket sheet and will generate a Notice of Electronic Filing. This allows the distribution of the correct information to the participants who originally received the erroneous information.